



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-14**

April 5, 2004

Robert & Evelyn Dioro
29 Oak St
Reading, MA 01824

RE: DES Wetlands File #1999-02287 8 Basin Road, Alton

Dear Mr. & Ms. Dioro:

On July 17, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 47-8 as Lot 8 (the "Property"). The purpose of the inspection was to determine whether work on the Property was conducted in compliance with Wetlands and Non-Site Specific Permit #1999-02287 (the "Permit"), which authorized the replacement of a 39 ft. breakwater with a 49 linear ft breakwater, with a 6 ft. gap at the shoreline, attached to a 4 ft. by 50 ft. cantilevered pier connected to a 6 ft. by 30 ft. piling pier with a 6 ft. by 11 ft. 11 in. walkway on the Property.

The inspection revealed that work on the Property was not conducted in accordance with the Permit. During the inspection the following deficiencies were documented:

A breakwater was documented with an approximate length of 49 ft, however, there was no 6 ft gap at the shoreline.

- 2 A 4 ft. long by 11 ft. wide walkway extension had been added on the north end of the existing 6 ft. by 11 ft. 11 in. walkway.
- 3 A 7 ft. wide by ft. deep dug-in inlet had been excavated within the shoreline.
4. A 16 ft. wide by 8 ft. perched beach had been constructed within the shoreline.
5. A 2 ft. wide by 8 ft. long hinged pier had been added to the end of the 49 ft breakwater, connected to the 4 ft. by 33 ft cantilevered pier.
6. A jet ski lift had been placed in Lake Winnepesaukee outside of the un-permitted inlet.

Review of DES records indicates that no permits have been issued for the walkway extension, dug-in inlet, fill for beach construction, hinged pier, and seasonal jet ski lift. In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Submit a restoration plan prepared by a certified engineer. The plan should be with full dimensions or drawn to scale, showing:

- a. Existing conditions, with wetland and shoreline boundaries;
 - b. Proposed conditions after reestablishing the jurisdictional areas, including:
 1. The removal of enough breakwater material to ensure a 6 ft. gap at the shoreline;
 2. The complete removal of the 4 ft. by 11 ft. walkway extension;
 3. The complete removal of the 2 ft. by 8 ft. hinged pier;
 - c. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
2. Submit an After-the-Fact application to retain the existing jet ski lift, the existing 16 ft. by 8 ft. perched beach, and the existing 7 ft. by 11 ft. dug-in inlet.
 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

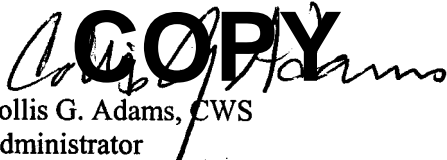
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jared A. Teutsch, Shoreline Specialist
Shoreland Program
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5116

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Alton Conservation Commission
Alton Board of Selectmen
USACOE